

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAWN BRENNER and KATHLEEN
BRENNER, as co-trustees for the heirs
and next of kin of Dylan Brenner,

Case No. 18-CV-2383 (NEB/ECW)

Plaintiffs,

SEALING ORDER

v.

DANIELLE SUE ASFELD, in her
individual capacity, CHRISTINA
LEONARD, in her individual capacity,
KRISTINA RYAN F/K/A KRISTINA
BAUMAN, in her individual capacity,
TODD LEONARD, in his individual and
official capacities, REBECCA LUCAR, in
her individual capacity, RUSSELL
DENNY, in his individual capacity, WES
GRAVES, in his individual capacity,
JAMES ROURKE, in his individual
capacity, JOHN REICH, in his individual
capacity, TRAVIS LINDSTROM, in his
individual capacity, MEnD
CORRECTIONAL CARE, PLLC, and
SHERBURNE COUNTY,

Defendants.

Dylan Brenner died by suicide at Sherburne County jail. His wife and his mother, Dawn and Kathleen Brenner, sue under 42 U.S.C. Section 1983 alleging that the correctional officers, MEnD, and Sherburne County violated Brenner's constitutional rights under the Eighth and Fourteenth Amendments by acting with deliberate

indifference to Brenner's serious medical needs. They also sue under Minnesota negligence laws. The Sherburne County Defendants and the MEnD Defendants each move for summary judgment. On March 31, 2022, the Court filed an order under seal with a written memorandum ("Memorandum"). For the reasons set forth in the Memorandum, the Court denies in part and grants in part the Defendants' motions.

The parties shall submit proposed redactions to the Memorandum, if any, on or before April 14, 2022. At that time, the Court will either unseal the Memorandum or file a redacted version of it.

The Order in the case, as set forth in greater length in the Memorandum (ECF No. 235), is as follows: The Sherburne County defendants' Motion for Summary Judgment (ECF No. 185) is GRANTED IN PART and DENIED IN PART, and the MEnD Defendants' Motion for Summary Judgment (ECF No. 195) is GRANTED IN PART and DENIED IN PART.

IT IS HEREBY ORDERED THAT:

1. As to Count I, the Eighth and Fourteenth Amendment Section 1983 claims against Danielle Asfeld, Kristina Bauman, Russell Denny, John Reich, and Travis Lindstrom, in their individual capacities, summary judgment is DENIED, and those claims are still pending;
2. As to Count I, the Eighth and Fourteenth Amendment Section 1983 claims against Christina Leonard, Dr. Todd Leonard, Rebecca Lucar, Wes Graves,

and James Rourke, in their individual capacities, summary judgment is GRANTED, and the claims are dismissed;

3. As to Count II, the Eighth and Fourteenth Amendment supervisory liability claim against Dr. Todd Leonard, in his individual capacity, summary judgment is DENIED, and that claim is still pending;
4. As to Count III, the Eighth and Fourteenth Amendment *Monell* claims against MEnD and Dr. Leonard, in his official capacity, summary judgment is DENIED, and those claims are still pending;
5. As to Count III, the Eighth and Fourteenth Amendment *Monell* claim against Sherburne County, summary judgment is GRANTED, and that claim is dismissed;
6. As to Count IV, the wrongful death—professional negligence claims against Danielle Asfeld, Kristina Bauman, Christina Leonard, Dr. Todd Leonard, and MEnD, summary judgment is DENIED, and those claims are still pending; and
7. As to Count V, the wrongful death negligence claims against Wes Graves and James Rourke, summary judgment is DENIED, and those claims are still pending.
8. The Memorandum and Order filed March 31, 2022 (ECF No. 235) shall be

unsealed on April 14, 2022 unless the parties file proposed redactions prior to that date.

Dated: March 31, 2022

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge